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**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)	Chapter 11
)	
CIRCUIT CITY STORES, et al.)	Case No. 08-35653-KRH
)	Jointly Administered
Debtors.)	

**UNOPPOSED MOTION FOR LEAVE OF COURT TO ATTEND
HEARING BY TELEPHONE**

99¢ Only Stores (“99¢ Only”), the stalking-horse bidder in connection with the Debtors’ Motion for Orders Under Bankruptcy Code Sections 105, 363 and 503 and Bankruptcy Rules 2002 and 6004 (I) (a) Approving Bidding Procedures for Sale of Certain Real Property in Moreno Valley, California, (b) Authorizing Sellers to Enter Into Agreement in Connection Therewith Subject to Higher and Better Proposals, (c) Approving Expense Reimbursement in Connection Therewith, (d) Setting Auction and Sale Hearing Dates; (II) Approving Sale of Property Free and Clear of Liens; and (III) Granting Related Relief [Docket No. 3925] (the “Bidding Procedures Motion”), by and through its undersigned counsel, and pursuant to the Court’s Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures [Docket No. 130] (the “Case Management Order”),

hereby moves for leave of Court to attend the hearing on August 27, 2009 at 11:00 a.m.

EDT by telephone. In support thereof, 99¢ Only states as follows:

1. On November 10, 2008 (the “Petition Date”), the above-captioned debtors and debtors-in possession (collectively, the “Debtors”), filed voluntary petitions in this Court for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

2. On July 2, 2009, the Debtors filed the Bidding Procedures Motion in order to obtain this Court’s approval of bidding procedures related to the sale of real property in Moreno Valley, California free and clear of all liens, claims, interests and encumbrances. 99¢ Only is the stalking-horse bidder in connection with the proposed sale.

3. On July 27, 2009, the Court entered an Order [Docket No. 4305] that, among other things, approved the bidding procedures and set the sale hearing date for August 27, 2009. In addition, the Court ordered that all objections to the sale, if any, must be filed and served no later than 4:00 p.m. (ET) on August 21, 2009. No objections were filed by the Court-ordered deadline.

4. Todd Rosen of the law firm of Munger, Tolles & Olson LLP—a law firm based in Los Angeles, California—has been representing 99¢ Only with respect to the bankruptcy process and understands the facts and circumstances related to the sale. Mr. Rosen has been admitted, *pro hac vice*, as counsel for 99¢ Only in this matter. (*See* Docket No. 4309).

5. On November 13, 2008, the Court entered the Case Management Order.

Page 5 of Exhibit A to the Case Management Order states as follows:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

6. In light of the foregoing and because 99¢ Only has retained local counsel to assist in this matter, 99¢ Only does not believe that it would be cost-effective to have Mr. Rosen appear in person at the sale hearing on August 27, 2009. Therefore, 99¢ Only respectfully asks for leave of Court, pursuant to the Case Management Order, so that Mr. Rosen may appear and participate by telephone with Virginia local counsel present in the courtroom.

7. Based on Mr. Rosen's knowledge of the facts and legal issues related to 99¢ Only's role as the stalking-horse bidder in the proposed sale of the Moreno Valley real property, the ends of justice would be served by allowing Mr. Rosen to appear by telephone.

8. 99¢ Only has conferred with Debtor's local counsel at McGuire Woods LLP. They do not oppose this motion.

WHEREFORE, 99¢ Only respectfully requests that this Court grant this motion and enter an Order substantially in the form attached hereto, permitting Todd Rosen to appear and be heard by telephone at the sale hearing on August 27, 2009 at 11:00 a.m. EDT on behalf of 99¢ Only and granting such other relief as necessary and appropriate.

Respectfully submitted,

99¢ Only Stores
By Counsel

/s/ Courtney Sydnor

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Counsel for 99¢ Only Stores

Dated: August 24, 2009

Certificate of Service

I certify that, on August 24, 2009, the foregoing was filed and served using the Court's ECF system, and was sent by U.S. mail to the persons listed on the attached service list.

/s/ Courtney Sydnor

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